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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,201	09/02/1999	JAMES JOSEPH BABKA	AT9-99-357	5061

7590 01/24/2005  
JAMES J MURPHY  
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DALLAS, TX 752702199

EXAMINER
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TANG, KENNETH

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/389,201

Applicant(s)

BABKA ET AL.

Examiner

Kenneth Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/21/99 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the Amendment on 8/31/04. Applicant's arguments have been fully considered but were not found to be persuasive.
2. Claims 1-3 and 9-21 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "activity to be removed is currently displayed" (line 10) is indefinite because it is unclear in the claim language whether this displays the activity or if this is "displaying an identity" (from line 4). In addition, there is no connection made between the "identity" (line 4) to anything else in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-2, 9-10, 12-14, 16 , and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Singh (US 6,389,447 B1).**

2. As to claims 1, 9, 13, and 20, Singh teaches a method, system and program for tracking activities in a data processing system, comprising the steps of:

- maintaining an ordered list of activities running in the system (*col. 1, lines 54 through col. 2, lines 1-22*);
- whenever a new activity begins, inserting the new activity at a top of the list (*Figs. 7-10, col. 1, lines 62-63*);
- whenever an activity in the ordered list completes, removing the completed activity from the ordered list (*col. 6, lines 7-11, 62-64 and col. 8, lines 6-8*);
- displaying the activity that is at the top of the list (*col. 2, lines 13-17*).

3. As to claims 2, 10, and 14, Singh teaches wherein the displaying step displays a code pertaining to the latest-started activity that has not completed (*col. 2, lines 16-17*).

4. As to claims 12 and 16, Singh teaches wherein the displaying step further comprises the steps of and system circuitry for:

- determining if an activity that has completed is currently being displayed (*col. 6, lines 62-64 and col. 8, lines 6-8*);
- if the activity that has completed is currently being displayed, displaying an activity that had previously been displayed (*col. 1, lines 61-65, col. 2, lines 16-17, col. 6, lines 62-64 and col. 8, lines 6-8*).

5. As to claims 17-19, Singh teaches wherein only the activity at the top of the list is displayed (*col. 11-17*).

6. As to claim 21, Singh teaches a method for tracking activities running in parallel in a data processing system, comprising the steps of:

determining if a new activity has started in the system (predetermined time has started) (*col. 2, lines 3-22, col. 6, lines 62-64*);

if a new activity has started in the system, displaying an identity of the new activity (*Fig. 7-10, col. 1, lines 62-63, col. 2, lines 13-17*);

determining if any activity running in the system has completed (completed after its predetermined time has expired) (*col. 2, lines 3-5, col. 6, lines 62-64*);

if an activity has completed, removing that activity from a list of activities to be displayed (*col. 2, lines 3-22*);

determining if the activity removed from the list is currently displayed (*col. 6, lines 62-64 and col. 8, lines 6-8*); and if the activity to be removed is currently displayed, displaying an activity not completed that has previously been displayed, wherein only one activity is displayed at a time (*col. 1, lines 61-65, col. 2, lines 16-17, col. 6, lines 62-64 and col. 8, lines 6-8*).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 3, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable by Singh (US 6,389,447 B1) in view of Hughes et al. (hereinafter Hughes) (US 5,109,484).**

8. As to claims 3, 11, and 15, Singh fails to explicitly teach the method as recited in claims 1, 9, and 13, respectfully, wherein the activities are configurations of devices attached to the data processing system. However, Hughes teaches activities for configuring devices attached to a data processing system with the use of a configuration list (*see Abstract*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the configuring of devices in a list of Singh to the existing management of multi-application devices in a stack (type of list) because configuring devices is a necessary procedure before devices are to be used (*col. 1, lines 20-21*).

#### ***Response to Arguments***

9. *Applicant argues on page 6 of the Remarks that Singh does not teach or suggest removing a completed activity from the ordered list when that activity completes.*

In response, the Examiner respectfully disagrees. Singh teaches removing tasks from a stack after a predetermined time (activity is over after its predetermined time has expired) (*e.g.*, *col. 6, lines 62-64*).

10. *Applicant argues that there is no motivation to combine Singh and Hughes.*

In response, the Examiner respectfully disagrees. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the configuring of devices in a list of Singh to the existing management of multi-application devices in a stack (type of list) because configuring devices is a necessary procedure before devices are to be used (*col. 1, lines 20-21*).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt  
1/17/05

  
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